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BEFORE THE TENNESSEE REGULATORY AUTHORITY
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October 6, 2003

T.R.A. DOCKET ROOM

IN RE: Modification of Authority Rule 1220-4-)
02-.56-(2)(d)(2)) Docket No. 03-00278
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COMMENTS OF AT&T

AT&T Communications of the South Central States, LLC ("AT&T") submits the following comments concerning the above-captioned rulemaking.

As AT&T explained during the September 22, 2003 hearing, AT&T supports the Staff's proposed rule which addresses the issue of customer notification in the event a carrier's customer base is transferred to another carrier and which provides clarification of the existing rule. AT&T shares the Authority's goal of having smooth transfers of service as well as satisfied customers. To this end, AT&T proposes that additional language be added to the proposed rule addressing what constitutes "good cause" and permitting the Authority to waive the name and logo requirement.

The current section of the rule at issue, Rule 1220-4-2-.56(2)(d)(2), states the following:

A notification letter, pre-approved by the Authority, shall be mailed by U.S. First Class Postage by the telecommunications service provider being acquired to its customers describing the customer transfer and explaining that the customers' local or long distance service will be transferred to the acquiring telecommunications service provider by a certain date unless the customer selects another telecommunications service provider. This customer notification shall be mailed to the customers no less than thirty (30) days prior to the actual customer transfer. The notification letter required by the FCC may be used for the notification purposes of this part. The Authority may waive the thirty (30) day notice requirement of this part for good cause shown.

Tenn. Comp. R. & Regs. 1220-4-2-.56 (2003).

The changes proposed by the Authority would delete the above subparagraph and replace it with the following:

A notification letter, pre-approved by the Authority, shall be sent by the current provider of telecommunications service to its customers describing the customer transfer and explaining that the customers' local or long distance service will be transferred to the acquiring telecommunications service provider by a date specified in the notification letter unless the customer selects another telecommunications provider. The notification letter shall be mailed by U.S. First Class Postage, with the logo or name of the current provider displayed on both the letterhead and the exterior envelope, no less than thirty (30) days prior to the actual customer transfer. The notification letter required by the FCC may be used for the notification purposes of this part, as long as it fully complies with this rule. The Authority may waive the thirty (30) day notice requirement and/or the company logo or name requirement of this part for good cause shown.

Proposed Amendment to Rule 1220-4-2-.56.

The Authority's proposed changes to the rule would make clear that the current provider of telecommunications service, the provider with whom the customer is familiar, must send a letter notifying the customer that the customer's service provider has changed. According to the proposed rule, the name and logo of the customer's current provider will appear on both the notification letter and the envelope. AT&T understands why this amendment is needed and understands that having the familiar name and logo of the current provider on the letter and envelope will catch the consumer's attention and will hopefully lead to the consumer paying attention to the contents.

AT&T also appreciates, however, the Authority's awareness that with regard to customer notification, some flexibility is needed. While requiring that notice be provided by the customer's current provider, the rule also recognizes that for "good cause," the Authority may

waive the notification requirement. AT&T proposes to elaborate on the meaning of "good cause" by adding the following language to the Staff's proposed rule:

Good cause may be shown by, among other things, evidence that the current provider is no longer providing service in Tennessee or is otherwise unable to comply with this rule. If the current provider does not provide notification in accordance with this rule, notice will be provided by the acquiring provider. In that case, the name and logo requirements described above would not apply.

While it would be ideal for the current provider to provide the notification letter, as the rule requires, this may not always be possible, and thus, the above language is needed to clarify that notification of the transfer will be provided by the acquiring provider should the current provider fail to do so. The clarification is needed to provide guidance in situations where the current provider is no longer providing service in Tennessee or is otherwise unable to comply with this rule, yet the acquiring provider desires to smoothly complete the transfer of the customer base. In these instances, from a legal and practical matter, it would not be appropriate for the acquiring provider to use the name and logo of the current provider in its notification letter. AT&T proposes the additional language, allowing for waiver of the name and logo requirements, in order to avoid potential copyright and trademark infringement issues.

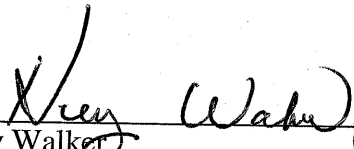
The proposed language does not defeat the Authority's desire to avoid customer confusion and to promote a smooth transition of service from the current provider to the acquiring provider. Including a waiver provision in the rule will not relieve providers of their duty to explain the transfer of service to customers. During the hearing, Director Jones also made the point that if the acquiring carrier provides notice to the customer, the letter should include the name of the customer's former carrier so that the customer would understand that his service has been transferred. Because it makes sense for a letter from the acquiring provider to include the name of the customer's current provider, AT&T does not believe it is necessary to spell out such a requirement in the Authority's rules. If, on the other hand, the Authority desires

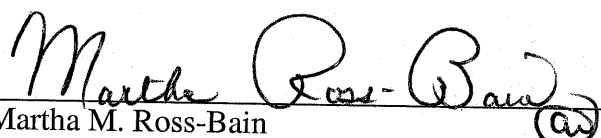
to incorporate such a requirement in the proposed rule, AT&T suggests that adding the following sentence would accomplish that purpose: In explaining the transfer of the customer's service from the current or former provider, the notification letter should list the name of the current or former provider.

Respectfully submitted,

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